

Commissions to an executor will not be distributed so as to be thrown upon the separate portions of the personal estate, in order to make the several legatees, general and specific, bear their proportions thereof; such a distribution would be introducing an entirely new principle in our testamentary system.

[The clause of the will of the late Chancellor Bland, which came under review in this case, are as follows :

1st. "I do hereby give and devise all my property, real and personal, of every description, except Bland Air, and the slaves, with their increase, which I derived in a course of distribution from my uncle, Thomas Fitzhugh, deceased, and the other personal property thereon, not slaves, and used with the same at the time of my death, and except the bequests hereinafter mentioned, unto my wife during her natural life, confiding to her the care and maintenance of our son, should he so live long.

2d. "I do hereby give and devise my Bland Air estate, with all the slaves and their increase, which I derived in a course of distribution from my uncle, Thomas Fitzhugh, deceased, and all the personal property thereon not slaves, and used with the same at the time of my death, unto my daughter during her natural life, and after her death as hereinafter provided, she or the persons taking after or under her paying therefor to her mother during her natural life, annually, to be computed from the day of my death the sum of three hundred dollars, by way of a rent charge.

3d. By this item, the testator charged all his estate, "real and personal, including the beforementioned Bland Air estate and property, without exception, whosoever may be the holder of the same," with the payment of an annuity to his son of six hundred dollars per annum from the day of his mother's death.

5th. "I do hereby give and bequeath unto Captain Isaac Mayo, the husband of my daughter, all my books, historical or biographical, of Greece, of Rome, of Great Britain or Ireland, of the United States, and of the several states, and Rees' Encyclopedia, as a token of my respect for him. The copy of my reports of cases in Chancery in my use at the time of my death, and in which I have made many additional references in pencil, I wish to be preserved and given to one of my grandchildren by their